

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CITY OF SOUTH BEND,)
)
Plaintiff,)
)
v.) Cause No. 3:12-cv-475
)
SOUTH BEND COMMON COUNCIL,)
ET AL.,)
)
Defendants.)

BRIAN YOUNG, SANDY YOUNG)
TIMOTHY CORBETT, DAVID WELLS,)
And STEVE RICHMOND)
)
Plaintiffs,)
)
v.) Cause No. 3:12-cv-532 JVB-CAN
)
THE CITY OF SOUTH BEND, Acting)
Through its Police Department, DARRYL)
BOYKINS, Individually and in his Official)
Capacity as Chief of Police, KAREN)
DEPAEPE, and SCOTT DUERRING,)
)
Defendants.)

THE CITY OF SOUTH BEND'S MOTION FOR SUMMARY JUDGMENT

The City of South Bend (the "City"), by counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Rules for the United States District Court for the Northern District of Indiana, respectfully requests that the Court enter summary judgment determining that the recordings, summaries thereof, and cassette tape copies were subject to and made in violation of the Federal Wiretap Act, 18 U.S.C. § 2501 *et seq.*, and that the City may not be compelled to produce them because no genuine dispute as to any material fact exists and the recordings, summaries thereof, and cassette tape copies violate the Federal Wiretap Act as a

matter of law. In support of its motion, the City contemporaneously submits its support brief, which contains its Statement of Undisputed Facts, and its evidentiary material.

WHEREFORE, the City of South Bend respectfully requests that the Court grant summary judgment determining that the that the recordings, summaries thereof, and cassette tape copies were made in violation of the Federal Wiretap Act, 18 U.S.C. § 2501 *et seq.* and that the City may not be compelled to produce them, and all other just and proper relief to which it may be entitled.

Respectfully Submitted,

/s/ Edward A. Sullivan

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CERTIFICATE OF SERVICE

I certify that on the 13th day of December, 2013, a copy of the foregoing was served upon the following parties and counsel of record through either the Court's electronic filing system or by U.S. Mail, postage prepaid:

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